

*UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 FOLEY SQUARE - ROOM 1702
NEW YORK, NEW YORK 10007*

JOHN W. WALKER, JR., CHIEF JUDGE

ROSEANN B. MACKECHNIE, CLERK

This is to remind you that, starting December 1, 2005, the United States Court of Appeals for the Second Circuit will require parties in counseled cases (and will encourage, but not require, pro se litigants) to submit, **in addition to the ten copies of your paper brief**, a digital brief as a PDF email attachment. *See Second Circuit Local Rule 32(a)(1)*.

As you know, the new rule requires you to certify that your PDF document has been scanned for viruses and that no virus has been detected. *See Local Rule 32(a)(1)(E)*. A paper copy of this certification, with the signature of the person who tested for any viruses, should accompany your paper brief. A copy of this certification, which need not include a manual signature, should also be sent as a PDF document that accompanies your digital brief. We have prepared a sample Anti-Virus Certification Form for your use. A copy of that form follows this message. You can also find the form on our website (www.ca2.uscourts.gov) under Clerk's Office/Forms.

If a counseled party is unable to comply with the digital brief filing requirement because it is not practical or presents an undue hardship, counsel must submit a certification briefly outlining the reasons for failure to submit a digital brief. *See Second Circuit Local Rule 32(a)(1)(A)*. We have prepared a sample form for you to use should you be unable to comply with the digital brief requirement. A copy of that form follows this message. You can also find the form on our website (www.ca2.uscourts.gov) under Clerk's Office/Forms.

Second Circuit Local Rule 25 also takes effect on December 1, 2005. That new rule will require **all** litigants to submit one unbound copy of any paper document filed with the Court. This rule is designed to assist the Clerk's Office in scanning documents. The only exception: You do not have to file one unbound copy of your paper brief if you emailed us a digital brief pursuant to Local Rule 32(a)(1)(A). All other submissions (motions/appendices/letters) should include one copy free of binding. (Rubber bands and paper clips can be used).

If you haven't done so already, please read **Second Circuit Local Rules 32(a)(1) and 25**. There is a link to the new rules on the homepage of the Court's website (www.ca2.uscourts.gov)

I suspect that there will be a few glitches as the Court begins accepting digital briefs. Although many of you are already accustomed to electronic filing in the district courts, this is a new experience for all of us in the circuit court. I ask for your patience, at least in the first few weeks. I also ask that you call me directly (212-857-8585), should you have questions/concerns about the new rules.

Finally, I urge all of you to use common sense when filing documents in this, or any other court. **Sealed documents should never be sent electronically.** Simply deliver sealed documents to the Court in an envelope which clearly identifies the materials as "Under Seal." You may also wish to consider redacting personal information in your filings, whether it appears in paper or digital form.

I would like to thank those of you who submitted comments/suggestions relating to the new rules. The Court is very grateful for your input.

Roseann B. MacKechnie

ANTI-VIRUS CERTIFICATION FORM

See Second Circuit Local Rule 32(a)(1)(E)

CASE NAME: _____

DOCKET NUMBER: _____

I, (please print your name) _____, certify that

I have scanned for viruses the PDF version of the

_____ Appellant's Brief

_____ Appellee's Brief

_____ Reply Brief

_____ Amicus Brief

that was submitted in this case as an email attachment to <briefs@ca2.uscourts.gov> and that no viruses were detected.

Please print the **name** and the **version** of the anti-virus detector that you used _____

If you know, please print the **version of revision and/or the anti-virus signature files** _____

(Your Signature) _____

Date: _____

NON-COMPLIANCE WITH DIGITAL BRIEF REQUIREMENT
(TO BE COMPLETED ONLY IN COUNSELED CASES)
See Second Circuit Local Rule 32(a)(1)(A)

CASE NAME: _____

DOCKET NUMBER: _____

I, (please print your name) _____, certify that

I did not submit a digital copy of the

_____ Appellant's Brief

_____ Appellee's Brief

_____ Reply Brief

_____ Amicus Brief

in this case because (explain why submission of a digital brief was not practical or constituted undue hardship)

(Your signature) _____

Date: _____